

Remarks

Reconsideration of this patent application is respectfully requested, particularly as herein amended.

The Office Action of November 3, 2004, first objects to the form of claims 1 to 29 for reasons which are specified in the Office Action. In reply, applicant's claims 1 to 29 have been canceled and replaced with claims 30 to 62, which have been drafted to remove the language which has been objected to and to better comply with the requirements of 35 U.S.C. §112, second paragraph.

Claim 1 is additionally rejected under 35 U.S.C. §112, second paragraph, as being indefinite for reciting a "screwing machine" without a corresponding explanation in the specification. This rejection is respectfully traversed in view of the structure which is shown in Figure 26, and the corresponding disclosure which has been provided at the top of page 14 of the original specification for this application, which clearly describe "the meaning of this feature" as it applies to the subject matter of the present invention. As is clearly disclosed, such structure pertains to those portions of an operative plant which are used to screw sterilized stoppering parts onto bottles, structure which at the time the present invention was made was in and of itself well known to persons of ordinary skill in art to which the subject matter of the present invention pertains.

In formulating the rejection of claim 1 under 35 U.S.C. §112, second paragraph, paragraph 2 of the Office Action of November 3, 2004, asks the question "Does the applicant mean bottling machine?"; however, there is no indication as to what part of the bottling machine is being referred to. It is further indicated that applicant's "screwing machine" has been treated as being equivalent to the "bottle stoppering apparatus" which is mentioned in the cited U.S. Patent to Pethö (US 4,958,649) at column 12, lines 54 to 56. However, no specifics regarding the "bottle stoppering apparatus" which is mentioned at lines 54 to 56 of column 12 of Pethö are provided. Accordingly, while the overall function of Pethö's "bottle stoppering apparatus" would appear to be similar to applicant's "screwing machine", applicant cannot address the position stated at paragraph 2 of the Office Action that the two devices are "equivalent" to each other, and for such reasons, respectfully traverses the stated position to this extent.

In the event that any additional issues are identified which may require further consideration, the Examiner is invited to telephone the undersigned to discuss and resolve such issues.

In addition, although not specifically required by the issued Office Action, a substitute specification has been submitted for this application, together with a marked-up copy of the original specification showing the changes which have been made in the substitute specification, on separate pages, in accordance with the requirements of 37 C.F.R. §1.125(c). The

substitute specification includes no new matter, and entry of the enclosed substitute specification is therefore respectfully requested in accordance with 37 C.F.R. §1.125(b).

The text of the substitute specification has been amended to provide section headings and to make grammatical corrections resulting from the translation of the original specification from French into English. In particular, the term "spiral" (and its grammatical variants) has been amended to the term "helical". In preparing the substitute specification, it was noticed that the various structures shown in the figures (see, for example, Figures 2, 7 and 21, among others) were described as "spiral" structures. However, according to the Merriam-Webster Dictionary, a "spiral" is "the path of a point in a plane moving around a central point while continuously receding from or approaching it" (emphasis added), and a "helix" is "a curve traced on a cylinder or cone by the rotation of a point crossing its right sections at a constant oblique angle" (emphasis added). Copies of these dictionary definitions are enclosed with this Reply. Moreover, the original French text of the International Application from which the present U.S. Patent Application derives recited the French term "hélicoïdal", as distinguished from the French term "en spirale". Consequently, for the specification to better correspond to the drawings for this application, and to more literally translate the original French-text terms into English, it is submitted to be more accurate to employ the term "helical", rather than the term

"spiral", and that such a change would not constitute new matter. In view of the foregoing, the substitute specification has been revised accordingly.

An amended Abstract has also been submitted for this application. The amended Abstract has been reproduced on a separate sheet enclosed with this Reply, in accordance with the requirements of 37 C.F.R. §1.72(b), and entry of the amended Abstract is therefore respectfully requested.

Claims 1 to 8, 10 to 20, 24 to 27 and 29 have been rejected under 35 U.S.C. §102(b) as being anticipated by the cited U.S. Patent to Pethö (US 4,958,649). Claims 22, 23 and 28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the cited patent to Pethö, and claims 9 and 21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over a proposed combination of the cited patent to Pethö and a U.S. Patent to Zucchini et al. (US 5,098,447).

As previously indicated, the sterilizing machine of the present invention operates to cause the stoppering parts to pass along a path which is most accurately characterized as a helical path, i.e., a path which progresses along "a curve traced on a cylinder... by the rotation of a point crossing its right sections..." at an angle to the longitudinal axis of the sterilizing unit, so the stoppering parts can travel from the inlet of the unit to a longitudinally opposing outlet of the unit.

This is to be distinguished from the apparatus disclosed

by Pethö, in which the stoppering parts are caused to pass along a path which is most accurately characterized as a spiral path, i.e., "the path of a point... moving around a central point while continuously receding from or approaching it" while in a plane perpendicular to the longitudinal axis of the disclosed apparatus.

As a result of the foregoing structural difference, the inlet for the unsterilized stoppering parts and the outlet for the sterilized stoppering parts are in applicant's machine located at opposing ends of the sterilizing machine which are longitudinally separated from each other. This is to be distinguished from the inlet and the outlet for the stoppers being operated upon by Pethö, which are longitudinally aligned with each other, and laterally separated from each other, as is best seen in Figure 1 of Pethö.

Yet another difference between the apparatus disclosed by Pethö and applicant's sterilizing machine is that in Pethö, rotation of the apparatus is used as the single means for causing the stoppers to progress along the spiral paths developed for them. Applicant's apparatus is not only capable of employing a driving fluid for setting the stoppering parts in motion along the helical path developed for them, but is further capable of using only the driving fluid for such purposes, eliminating the need for rotation of the resulting apparatus.

Accordingly, it is submitted that the patent to Pethö does not disclose the subject matter recited in applicant's

claims 30 to 62, and that the patent to Pethö would not have taught or otherwise suggested the subject matter recited in applicant's claims 30 to 62 to the person of ordinary skill in the art at the time the present invention was made, either alone or in combination with the teachings of Zucchini et al.

In view of the foregoing, it is submitted that the present application is in condition for allowance and corresponding action is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "G. Cohen", is written over the typed name.

GARY M. COHEN, ESQ.
Reg. No. 28,834
Attorney for Applicant
Tel.: (610) 975-4430